

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

UNITED STATES OF AMERICA

CRIMINAL NO. 3:23-378

v.

18 U.S.C. § 371

18 U.S.C. § 2319C

18 U.S.C. § 2319C(b)(1)

18 U.S.C. § 2319C(c)(2)

FRANKLYN VALVERDE, JR.**INDICTMENT**

COUNT 1

THE GRAND JURY CHARGES:

That beginning on a date unknown but beginning at least on December 11, 2017 and continuing thereafter up to and including September 7, 2021, in the District of South Carolina and elsewhere, the defendant, **FRANKLYN VALVERDE, JR.**, knowingly and intentionally did conspire and agree with others, both known and unknown to the grand jury, to commit offenses against the United States, to wit: the illicit digital transmission of services, in violation of Title 18, United States Code, Section 2319C.

Manner and Means

At all times relevant to this Indictment:

1. Dish Network is an American television, direct-broadcast satellite, Internet Protocol television ("IPTV") and video-on-demand ("VOD") service;
2. **FRANKLYN VALVERDE, JR.** owned and operated "Fenix" an IPTV and VOD service that sold access to copyrighted movies and television programs by way of an unauthorized and copyright infringing connection to Dish Network;

3. M.D., a person known to the Grand Jury, owned, and operated “Cord Cutters” and “Olympus TV,” IPTV and VOD services that sold access to copyrighted movies and television programs by way of an unauthorized and copyright infringing connection to Dish Network;
4. **FRANKLYN VALVERDE, JR.**’s subscribers accessed infringing content through various web-based applications for use on various platforms, including smart TVs, computers, set-top boxes, cellphones, and tablet devices;
5. **FRANKLYN VALVERDE, JR.** marketed Fenix and attracted paying subscribers through a network of resellers, each of which sold monthly subscriptions to the service. Typically, **FRANKLYN VALVERDE, JR.** sold access to Fenix streams of content to resellers using a unique access code. The reseller would then provide the code to the customers at an upcharge;
6. Customers would then have access to the copyrighted materials for a specified period, typically one month;
7. Through Fenix, **FRANKLYN VALVERDE, JR.** illegally reproduced and publicly performed copyrighted works, and facilitated, induced, and contributed to the infringement of these works by others;

Overt Acts

In furtherance of this conspiracy and to achieve its objectives, the defendant committed at least the following overt acts in the District of South Carolina and elsewhere:

8. Between approximately 2017 and July 2021, **FRANKLYN VALVERDE, JR.** sold J.R.D., a person known to the grand jury, access credits to his IPTV and VOD Services

for between \$9 and \$15 dollars per access credit. J.R.D. resold the access credits to other customers for \$25 to access the illegally reproduced and publicly performed copyrighted works;

9. Between approximately 2018 and May 2020, **FRANKLYN VALVERDE, JR.** sold M.D., a person known to the grand jury, access credits to his IPTV and VOD Service for between \$7 and \$15 dollars per credit. M.D. resold the access credits to other customers for \$25 to access the illegally reproduced and publicly performed copyrighted works;


All in violation of Title 18, United States Code, Section 371.

COUNT 2

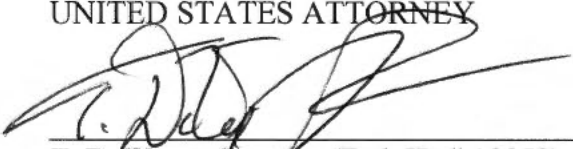
THE GRAND JURY FURTHER CHARGES:

That beginning on a date unknown, but beginning at least on December 11, 2017 and continuing thereafter up to and including September 7, 2021, in the District of South Carolina and elsewhere, the defendant, **FRANKLYN VALVERDE, JR.**, willfully, and for purposes of commercial advantage and private financial gain, did offer and provide to the public a digital transmission service that is primarily designed and provided for the purpose of publicly performing works protected under Title 17 of the United States Code by means of digital transmission without the authority of the copyright owner or the law, where the offense was committed in connection with one or more works being prepared for commercial public performance, and where the defendant, **FRANKLYN VALVERDE, JR.**, knew or should have known that the work was being prepared for commercial public performance;

In violation of Title 18, United States Code Sections 2319C(b)(1) and 2319C(c)(2).

A TRUE BILL

FOREPERSON

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